

Chapter 04: Compliance Monitoring and Noncompliance

adopted - 04/1988; rev - 04/1997, 07/1998 and 07/2013

Purpose

- 100 This section establishes the policy and procedures for compliance monitoring and for addressing any instances of noncompliance that may come to the Board's attention.

Policy

- 101 The intent of the Legislature in enacting the Law Enforcement Officers Training Program (LEOTP) was clearly to establish standards for the selection and training of law enforcement officers as soon as possible upon beginning the officer's career. This action was for the benefit of all the people of the state in that trained officers could better meet the needs of a complex society. Due to that very complex nature of today's society, coupled with the ever increasing demands for the services of the law enforcement professional, the need for competent, capable and credible officers has never been greater. The issue of competence has become a hotly debated topic in the nation's courts as the incidence of litigation against law enforcement officers for negligence continues to rise unabated. To further exacerbate matters, law enforcement agencies, towns, cities, counties and even state levels of government are being named by litigants for negligence and violation of civil rights. Simply stated, the potential penalty for failure to do the right thing at the right time is so great that the state and local governments cannot afford to ignore the risks. In a large measure, training and standards reduce the risk potential for failure on the part of law enforcement officers. The Board's policy is to ensure that the established standards are enforced to the maximum extent practically possible and that officers receive needed training throughout their careers. As a part of ensuring that standards are met, the Board will strive to encourage agencies and officers to achieve compliance by utilizing every asset and resource available to the Board.

Procedures

- 102 The primary tools the Board will use in compliance monitoring are the various forms discussed in the section of this manual concerning "**Official Certification Forms**". These forms provide the Board information upon which to base decisions as to the eligibility of an applicant to become a law enforcement officer and the level of training required to meet or exceed the mandated requirement. The Board will use other sources of information as necessary to determine who is serving as a law enforcement officer and whether or not the individual is certified and thereby authorized to serve.

- 102.01 Compliance shall be evaluated on both an individual and organizational basis.

1. The individual must supply information to the Board through his employer. The

employer must conduct a background investigation to verify the Board certification specifics (see the “**Law Enforcement Application for Certification and Background Investigation Review**” form Parts II and III). This information will be reviewed by the staff to determine eligibility and training. Random checks of the information will be conducted to obtain independent verification. Once the review is completed, the Board will inform the individual on the type of training required to obtain certification. The individual will have achieved compliance only after successful completion of the training and the Board's formal action of certification. Individuals must obtain certification within two years after their date of hire.

2. Law enforcement agencies must establish policy that ensures only authorized (certified) officers perform duties as full-time, part-time, reserve, or auxiliary law enforcement officer. In addition to this policy, the agencies must provide requested information to the Board on a timely basis. The two-year probation period should prove to be ample time to achieve certification for any officer. Delays in submitting required paperwork and procrastinating in completing required training can easily result in noncompliance. No provisions are provided to waive, excuse or nullify the requirement to achieve certification within two years. Agencies who have officers who cannot achieve certification within the established time limit must reassign the affected individuals to other duties or terminate their employment.

102.02 The Board staff will make every reasonable effort to assist agencies in achieving compliance. The staff, the Board and the Law Enforcement Officers Training Program (LEOTP) exist to serve the needs of the law enforcement community. Hopefully, a spirit of understanding and cooperation will prevail in order that the law enforcement profession will continue to advance and obtain the recognition so richly deserved. The Board will strive to keep lines of communication open and provide assistance in overcoming problems with the certification process before the probation period expires, thereby avoiding serious problems requiring drastic measures.

1. The staff will attempt to contact the agency head to resolve any conflicting information or problems with compliance.
2. The heads of related agencies such as the mayor, Board of supervisors, etc., will be contacted as needed to resolve problems.
3. Communication with agencies shall be in writing with additional backup communication through the use of telephone and staff visits.

102.03 In addition to the information on compliance that the staff discovers through routine monitoring, the staff receives information from a variety of other sources, such as the media and citizen complaints. Information that indicates a potential compliance problem will be reviewed to determine if further information is required. Before taking any action on such information, the staff will attempt to verify the information with the agency head involved.

Compliance Monitoring and Noncompliance

102.04 The Board will make every effort to identify the need for compliance and assist those agencies in meeting the requirements of the LEOTP prior to the expiration of the two-year probation period.

1. **If the Board discovers that a violation of the Act has been committed (i.e. an individual performs law enforcement duties in excess of two years from their date of hire without obtaining Board certification), the Board will notify the agency head in writing of their potential liability. The Board will further notify the State Auditor that public funds may have been paid out in violation of state law. A copy of this notification will be provided to the local executive officer.**
2. In addition to the above measures, the Board will not reimburse the training costs incurred by any agency who is not in compliance with the LEOTP or the provisions of this Policy and Procedures Manual. Simply stated, the payment of an officer's salary, who performs law enforcement duties in excess of a period of two years without obtaining certification, is prohibited. Therefore, the Board cannot reimburse any cost of salary incurred, after the expiration of the two- year probationary period, by an officer in training, even if the agency is otherwise in compliance.

102.05 In the event an agency disagrees with the Board as to the certification process pertaining to their organization, the agency is encouraged to submit a request in writing to have a representative appear before the Board at the next regularly scheduled meeting

Chapter 05: Reimbursement of Training Costs

adopted - 07/1981; rev - 04/1988, 10/1991, 09/1993, 04/1997, 07/1998, 03/2007, 09/2008 and 07/2013

Purpose

100 This section establishes the policy and procedures governing the reimbursement of training costs to the law enforcement agencies governed by the Law Enforcement Officers Training Program.

Policy

101 The Law Enforcement Officers Training Program created the board for the primary purpose of developing and implementing guidelines for the selection and training of law enforcement officers. Accordingly, the legislature mandated that the board authorize, but only from such funds authorized and appropriated by the Legislature, the reimbursement to each political subdivision and to state agencies of at least fifty percent (50%) of the allowable salary and allowable tuition, living and travel expense incurred by law enforcement officers in attendance at approved training programs,

provided said political subdivisions and state agencies do in fact adhere to the selection and training standards established by the board. The board shall authorize, but only from such funds authorized and appropriated by the Legislature, the direct funding of a part-time law enforcement officer training program. The board shall require the payment of a reasonable tuition fee to aid in funding the costs of administering the part-time law enforcement officer training program.

Note: Reimbursement is authorized only for those agencies and subdivisions of the state who are in compliance with all provisions of the Law Enforcement Officers Training Program (LEOTP) Act to include those policies and procedures established by the board pursuant to the Act.

101.01 The priority of reimbursement funding shall be toward the development of:

1. basic training;
2. refresher/equivalency training; and
3. in-service training programs.

101.02 Reimbursement shall be allowable for officers in attendance at board-approved training programs established at such agencies or institutions as the board may deem appropriate. Contact the board staff for information on available programs.

101.03 Employers are entitled to an additional reimbursement, herein after to be known as a **“transfer reimbursement”**, of training expenses from other law enforcement employers should their officer leave law enforcement employment within three (3) years after the date of his employment and immediately become employed by another governmental entity in a law enforcement capacity.

1. The **“transfer reimbursement”** shall be a proportionate share of the training expenses incurred. For the purposes of calculating the transfer reimbursement, transfer reimbursement expenses shall include the allowable tuition, salary and documented travel costs incurred while the officer in question was enrolled in a training course. Transfer reimbursement expenses do not include any related costs to your department such as replacement officer salaries or in kind contributions. To determine the proportionate share of expenses incurred, total the Transfer reimbursement expenses. Subtract the monies reimbursed by the Board. Divide the remainder by 36. Multiply the product times the number of months remaining in the officer’s three year service period [36 less the number of months the officer has served]. An example follows:

Officer Jones was employed as a full-time law enforcement officer by the Sparta Police Department on November 1, 2005. He attended basic training and successfully completed basic training in March of 2006. During training he was paid at a rate of \$9.00 per hour. Tuition for the basic course was \$3,000.00 and the documented allowable travel expenses incurred were \$727.50 [ten round-trips of 150 miles at \$.485 per mile or the current rate at which state and federal employees are reimbursed for mileage]. He left full-time employment with Sparta P.D. on May 31, 2006. He began working as a full-

time law enforcement officer with the Wabash Police Department on June 20, 2006.

Salary [\$9.00/hr x 400 hours (length of training)]	=	\$3,600.00
Tuition	=	3,000.00
Allowable travel costs (1,500 miles @ \$.485/mile)	=	<u>727.50</u>
T = Total transfer reimbursement expenses	=	\$7,327.50

R = Reimbursement = \$3,000.00

S = Number of months served = 7 months

P = Statutory 3 year period of service = 36 months

$$\begin{aligned}\text{Transfer Reimbursement} &= [(T - R)/P](P-S) \\ &= [(\$7,327.50 - 3,000.00)/36](36-7) \\ &= (\$4,327.50/36)29 \\ &= \$120.21 \times 29 \\ &= \underline{\underline{\$3,486.09}}\end{aligned}$$

2. For purposes of determining eligibility for the transfer reimbursement, immediate re-employment shall be defined as obtaining another full-time, part-time, reserve, or auxiliary law enforcement appointment within thirty days of termination and/or receipt of compensation for services, accrued personal leave or compensatory leave.

- 101.04 Agencies must meet the following requirements in order to be eligible to receive reimbursement:

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1. agency must be an organization of the state or a political subdivision of the state;
 2. officers attending training must be full-time, part-time, reserve, or auxiliary law enforcement officers;
 3. agency must have adhered to the selection and training standards established by the board;
 4. all administrative requirements must have been completed pursuant to this Policy and Procedures Manual to include all forms completed in full; and
 5. agency must have settled all accounts with the institution or academy where training was conducted.
- 101.05 For the duration of training, the academy or institution shall be the assigned place of duty. For the purposes of calculating the Standards and Training reimbursement, allowable costs of training are as follows:

1. The Board will establish the allowable training costs. Training costs shall be derived from subsistence and tuition expenses. The Board will set the allowable costs for both areas and will prorate allowable costs dependent upon the subsistence and tuition received by the student.
2. The authorized base salary of full-time, part-time, reserve, or auxiliary law enforcement officers is eligible for reimbursement for the period of enrollment in training courses. Salary shall be computed based on the gross monthly salary of the most recent full month prior to graduation. Reimbursement will only include base compensation for a standard 40 hour week. Uniform allowance or other pay benefits will not be considered for reimbursement. Reimbursement will only be authorized for salaries paid for the performance of law enforcement duties.
 - a. Officers who are not certified within two years from their date of hire (part-time certified officers appointed to full-time status not certified within one year) are not authorized to be paid a salary. Accordingly, the board will not reimburse any salaries paid under such circumstances.
3. Allowable travel expenses shall be determined by multiplying the standard state mileage rate times the mileage for one round trip. Agencies with more than one student enrolled in a course will be expected to car pool and will receive travel for one round trip. No travel reimbursement shall be authorized for employees of state agencies who are enrolled in training programs.
4. The board shall provide training reimbursement for required mandated training only if the training program completed satisfies the requirements. The board will designate the appropriate training program for certification purposes. If an applicant completes a course other than the designated course, the applicant will not be certified and the agency will not be reimbursed for training costs.
5. Only successfully completed board-approved training programs are allowable. The board will not reimburse the training costs of partially completed training or failed training. If the officer fails either the academic, skill areas, firearms or fitness programs, the board will not reimburse any costs of training.

Note: Evaluate your officers and correct any weaknesses before enrolling them in the training program. You should consider withdrawing your officers from training if they have difficulty in achieving course requirements for any reason at any time. Officers may return after additional preparation to attempt the course requirements.

6. The priority of training reimbursement funds shall be for the completion of mandated training. Should funds become available, grand fathered officers who attend a board-approved training course may be reimbursed for training expenses. It is recommended that the agency contact the director prior to enrolling certified personnel in board-approved courses.

Procedure

- 102 The board staff shall review all the information available on each academy class and determine the eligibility and amount of reimbursement to each agency.
- 102.01 The staff shall maintain a running balance of available funds. The estimated training demand and funds available shall be utilized to compute the reimbursement percentage.
- 102.02 The students enrolled in training shall provide the academy staff either a copy of a payroll voucher or a letter documenting the base salary for the month preceding enrollment. Students who fail to provide this salary or any other requested information will not be processed for certification or reimbursement until the information is received.
- 102.03 The academies shall provide the staff an official roster of students within five working days of the day the class begins. The roster shall include the name, social security number and agency of each student. Along with the roster, the academy shall also provide the staff the training packets (medical evaluation) and entry physical fitness test scores for each student enrolled.
- 102.04 The academies shall notify the staff of any withdrawals or dismissals from training during the course of the program. The notification shall include whether the officer withdrew or was dismissed and the reason (i.e. - deficiency in academics, firearms,

Reimbursement of Training Costs

- physical fitness or skill areas). If the officer was dismissed for a violation of academy rules and regulations, the academy staff must provide a written report of the investigation into the incident and the disposition of any charges.
- 102.05 Once the class graduates, the academy shall prepare a graduation roster and score sheets. The graduation roster shall positively indicate that all students have met the basic course requirements. Any students who have not completed the requirements because they have been medically excused from physical activities (during the last two weeks) due to injury or illness sustained while enrolled in the academy should be listed on a separate sheet. Once the student completes the requirements, the academy shall notify the staff in writing. This notification must be received prior to any further certification processing or reimbursement.
- 102.06 The staff will determine the amount of the reimbursement based on the total of: board-approved training costs, the applicant's documented base monthly salary, and round trip mileage from the agency to the academy. This total shall then be multiplied by the reimbursement percentage factor to determine the dollar amount of the reimbursement. Eligibility will be determined by presence of all required forms, information, photographs and compliance with the Act.
- 102.07 After determining eligibility and amount of reimbursement, the board staff shall complete a **"Claim for Reimbursement"** form and submit the form to the agency head for review. The form shall contain the name and other personal data of the trainee, course attended, tuition, salary and travel costs. The agency head shall

review the form, sign and return the form within five working days of receipt. Any discrepancies or misinformation on the form should be annotated and corrected, and the form should be returned unsigned. The staff shall correct the form and return it to the agency. It is imperative that this form be processed without delay as it is the basis for any funds the agency receives.

- 102.08 The staff will submit the “**Claim for Reimbursement**” to the Department of Finance and Administration for payment after the board members approve the graduates for certification. The board will maintain a copy of the claims and the warrants of payment in the board files.
- 102.09 Agencies should receive payment within forty-five days of receipt of the graduate's Professional Certificate. Normally the certificates are mailed the same date the claims are submitted for payment. If the payment is not received in forty-five days, notify the board staff in writing.
- 102.10 The Board staff will notify the law enforcement agency from which an officer departed if an officer immediately (within thirty days) transfers within three years of employment. The notification shall state that the agency may be eligible for a “**transfer reimbursement**” and provide the name of the agency which has incurred the obligation.

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2. Law enforcement agencies must establish policy that ensures only authorized (certified) officers perform duties as full-time, part-time, reserve, or auxiliary law enforcement officer. In addition to this policy, the agencies must provide requested information to the Board on a timely basis. The ~~two-year~~ probationary period should prove to be ample time to achieve certification for any officer. Delays in submitting required paperwork and procrastinating in completing required training can easily result in noncompliance. No provisions are provided to waive, excuse or nullify the requirement to achieve certification within ~~two years~~ the probationary period. Agencies who have officers who cannot achieve certification within the established time limit must reassign the affected individuals to other duties or terminate their employment.

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Allowable travel costs (1,500 miles @ \$.485/mile)	=	<u>727.50</u>
T = Total transfer reimbursement expenses	=	\$7,327.50

R = Reimbursement = **\$3,000.00**

S = Number of months served = **7 months**

P = Statutory 3 year period of service = **36 months**

$$\begin{aligned}\text{Transfer Reimbursement} &= [(T - R)/P](P - S) \\ &= [(\$7,327.50 - 3,000.00)/36](36 - 7) \\ &= (\$4,327.50/36)29 \\ &= \$120.21 \times 29 \\ &= \underline{\underline{\$3,486.09}}\end{aligned}$$

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3. Allowable travel expenses shall be determined by multiplying the standard state mileage rate times the mileage for one round trip. Agencies with more than one student enrolled in a course will be expected to car pool and will receive travel for one round trip. No travel reimbursement shall be authorized for employees of state agencies who are enrolled in training programs.
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Note: Evaluate your officers and correct any weaknesses before enrolling them in the training program. You should consider withdrawing your officers from training if they have difficulty in achieving course requirements for any reason at any time. Officers may return after additional preparation to attempt the course requirements.

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Procedure

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